

Message Text

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PAGE 01 MANILA 09969 280915Z

ACTION EA-09

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07

L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC PRIORITY 1682

C O N F I D E N T I A L MANILA 9969

E.O. 11652: GDS

TAGS: SHUM, PINT, RP

SUBJECT: AQUINO CASE

REF: MANILA 9876

SUMMARY: PRESIDENT MARCOS HAS DENIED SENATOR AQUINO'S REQUEST FOR TRANSFER OF HIS CASE TO CIVILIAN COURT, BUT HAS ISSUED NEW PRESIDENTIAL DECREE PERMITTING SUPREME COURT TO REVIEW DECISIONS OF MILITARY COMMISSIONS WHICH DEATH OR OTHER SERIOUS SENTENCE IMPOSED. SECRETARY TATAD HAS DENIED NEWSWEEK REPORT THERE "DEAL" BETWEEN AQUINO AND MARCOS ALLOWING AQUINO GO ABROAD. PRESIDENT'S DECISION ANNOUNCED LATE JUNE 27 WHEN TATAD BRIEFED PRESS ON MARCOS-AQUINO MEETING OF JUNE 21 AND RELEASED TEXT OF MARCOS' AQUINO LETTER OF JUNE 27. AQUINO CASE SCHEDULED FOR HEARING JUNE 29. HOW HIS LAWYERS WILL PROCEED IS STILL UNCERTAIN, -ALTHOUGH SENATOR SALONGA MAY PROVIDE CLUE IN MAJOR HUMAN RIGHTS SPEECH HE IS DELIVERING TODAY. END SUMMARY.

1. LATE JUNE 27 INFORMATION SECRETARY TATAD BRIEFED MALACANANG PRESS CORPS ON MARCOS-AQUINO MEETING OF JUNE 21. TATAD CHARACTERIZED MEETING AS CORDIAL AND FRANK. HE DENIED NEWSWEEK PERISCOPE ITEM THAT AQUINO AND MARCOS HAVE MADE DEAL WHEREBY MARCOS WOULD DROP CHARGES IN RETURN
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MANILA 09969 280915Z

FOR AQUINO GOING BAROAD. FYI - NEWSWEEK COLUMNIST CAME TOLD EMOBFF HE HAD NOT INTENDED HIS REPORT TO RUN BUT IT WAS SIMPLY AN ALERT. END FYI. ACCORDING TO TATAD, MARCOS TOLD FORMER SENATOR HE HAD ALWAYS BEEN READY TO TRANSFER CASE TO CIVIL COURT, BUT AQUINO HIMSELF HAD RESISTED TRANSFER BECAUSE HE CLAIMED JUDGES DID NOT HAVE INDEPENDENCE.

2. AT BRIEFING TATAD ALSO DISTRIBUTED LETTER FROM MARCOS TO AQUINO DATED JUNE 27. IT STATES THAT AFTER "SERIOUS AND FULLEST STUDY," AND CONSULTATION WITH CONSTITUTIONAL EXPERTS HE MUST DENY AQUINO'S REQUEST TO HAVE CASE TRANSFERRED TO CIVIL COURT. IN ORDER TO GIVE AQUINO OPPORTUNITY TO FURTHER "VENTILATE" HIS CLAIM OF INNOCENCE HE HAD PROMULGATED PRESIDENTIAL DECREE NO. 11665 DATED 24 JUNE GIVING AQUINO THE RIGHT TO APPEAL DIRECTLY TO THE SUPREME COURT IN THE EVENT JUDGMENTS IN HIS CASES SHOULD RESULT IN CONVICTION. FULL TEXT OF MARCOS LETTER TO AQUINO SEPTEL.

3. AQUINO-MARCOS MEETING WAS FRONT-PAGED IN ALL DAILIES JUNE 28. PAPERS CARRY FULL TEXT OF MARCOS' LETTER TO AQUINO, AS WELL AS LONG STORIES BASED ON TATAD BRIEFING. TEXT OF PD 1165, HOWEVER, DOES NOT APPEAR AND WE ARE SEEKING TO OBTAIN COPY.

4. PRESIDENT'S DECISION TO DENY TRANSFER TO CIVIL COURT AND ISSUE NEW DECREE WAS COMPLETELY UNKNOWN TO AQUINO'S PRINCIPAL ATTORNEY, SENATOR SALONGA, AS LATE AS 3:00 P.M. JUNE 27. TATAD'S BRIEFING FOR PRESS CORPS DID NOT INCLUDE FOREIGN JOURNALISTS, ALTHOUGH AP (MANN) ON JUNE 28 WIRE CARRIES STORY ON AQUINO-MARCOS INTERVIEW WHICH FOLLOWS LINES OF REFTEL. WE SUSPECT MANN MAY HAVE BEEN BRIEFED BY SALONGA OR MEMBER OF AQUINO FAMILY, SINCE FLAVOR OF ACCOUNT SLIGHTLY OPPOSITIONIST.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 MANILA 09969 280915Z

5. NEXT AQUINO HEARING IS STILL SET FOR TOMORROW MORNING, JUNE 29. AQUINO'S BATTERY OF ATTORNEYS DO NOT HAVE VERY MUCH TIME TO REACT TO PRESIDENT'S SURPRISE MOVE. SENATOR SALONGA SCHEDULED TO ADDRESS MAJOR MANILA FORUM (MAKATI ROTARY) ON HUMAN RIGHTS TODAY. IT IS POSSIBLE HE MAY REACT TO MARCOS' ANNOUNCEMENT. SALONGA HAS PROMISED EMBOFF TEXT OF HIS REMARKS.

6. COMMENT: MARCOS' LATEST MOVE APPEARS TO HAVE CAUGHT AQUINO CAMP BY SURPRISE. THERE IS ALREADY SOME DISAGREEMENT WITHIN HIS BATTERY OF ATTORNEYS. WHAT PRECISELY THEY WILL ADVISE AQUINO TO DO TOMORROW IS OPEN QUESTION. SHOULD SUPREME COURT HEAR CASE, MARCOS WOULD HAVE CHANCE TO PROTRACT IT AS LONG AS HE THOUGHT TRAFFIC WOULD BEAR IT. SUPREME COURT LOADED WITH MARCOS LOYALIST AND HAS RULED AGAINST AQUINO PREVIOUSLY. MARCOS' DECISION TO PUBLICIZE AQUINO CASE AND ISSUE NEW PRESIDENTIAL DECREE CONTINUES APPARENT MOVEMENT, ALTHOUGH IT IS QUITE CONCEIVABLE (AS SOME OF AQUINO'S LAWYERS BELIEVE) CURRENT ACTIVITY IS FOR PR PURPOSES PRIOR TO WORLD LAW CONFERENCE. WE BELIEVE ANALYSIS PARA 10 REFTEL CONTINUES TO OBTAIN.

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Message Attributes

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